

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

AUTOMOTIVE TECHNOLOGIES
INTERNATIONAL, INC., a Delaware
corporation,

Plaintiff,

v.

TRW, INC., an Ohio corporation,

Defendant.

Case No.

02-73572

NANCY G. EDMUNDS

MAGISTRATE JUDGE SCHEER

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COMPLAINT FOR PATENT INFRINGEMENT AND DAMAGES

DEMAND FOR JURY TRIAL

PARTIES

Plaintiff, Automotive Technologies International, Inc. ("ATI") as its Complaint against Defendant TRW, Inc. ("TRW") alleges as follows:

1. Plaintiff ATI is a Delaware corporation with offices in Rochester Hills, Michigan, within this judicial district.

2. Defendant TRW is an Ohio corporation doing business in Michigan and conducting the acts of infringement complained of in the State of Michigan within this district.

JURISDICTION AND VENUE

3. This Court has jurisdiction pursuant to 28 USC §§ 1331 and 1338 over this infringement action, which arises under the patent laws of the United States Code, and in particular, 35 USC §§ 271, 281, 283, 284 and 285.

4. On information and belief, TRW does business in the state of Michigan and in this district. Venue is proper in this Court pursuant to 28 USC §§ 1391 and 1400.

THE PATENT-IN-SUIT

5. On June 26, 2001, United States Letters Patent No. 6,250,668, entitled TUBULAR AIRBAG, METHOD OF MAKING THE SAME AND OCCUPANT PROTECTION SYSTEM INCLUDING THE SAME ("the '668 patent"), duly and legally issued. The patent is valid and subsisting.

6. ATI owns all right, title and interest to the '668 patent.

PATENT INFRINGEMENT

7. TRW has been and still is infringing the '668 patent in this judicial district and elsewhere, by making, importing, offering for sale, selling, and/or using tubular airbags, and practicing the methods of making tubular airbags, which embody the patented invention; and will continue to do so unless enjoined by this court. Specifically, TRW has manufactured, imported, offered for sale, sold and/or used tubular airbags contained in automobiles including but not limited to, model year 2003 Ford Expedition, thereby infringing the '688 patent, and will continue said infringement.

8. Upon information and belief, TRW manufactures, imports, offers for sale, sells and/or uses other models of tubular airbags not specifically identified which infringe the '668 patent.

9. Upon information and belief, TRW also infringes the '668 patent as a contributory infringer and by active inducement of infringement.

10. Upon information and belief, TRW's acts of infringement have been and continue to be willful and wanton.

RELIEF REQUESTED

WHEREFORE, Plaintiff ATI prays for relief against TRW as follows:

1. Enter judgment that TRW has directly infringed, has actively induced others to infringe and/or has contributed in the infringement of U.S. Letters Patent No. 6,250,668;

2. Enter judgment that said infringement was and continues to be willful and wanton;

3. Award ATI damages adequate to compensate for past infringement by TRW in the amount no less than a reasonable royalty, in a sum to be determined at trial, and that said damages be trebled in view of the willful and wanton nature of the infringement;

4. Enter a preliminary and permanent injunction against TRW, its officers, agents, servants, employees and attorneys, and other persons in active concert or participation with TRW, enjoining TRW from further infringement of the '668 patent;

5. Order TRW to deliver to ATI for destruction, all infringing products and systems in its possession;

6. Declare this case an exceptional case under 35 U.S.C. § 285, and award ATI its attorney fees incurred in this action;

7. Award ATI its costs of this action, interest on the award and other charges to the maximum extent permitted; and

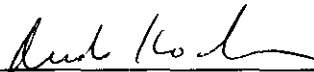
8. Award ATI any other relief as the Court deems just and proper under the circumstances.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury herein.

Respectfully submitted,

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